



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

June 10, 2008

By Hand

The Honorable Loretta A. Preska
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 1320
New York, New York 10007

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 6/11/08
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Re: United States v. Calvin Swen
07 Cr. 462 (LAP)

Dear Judge Preska:

On or about May 9, 2008, the above-named defendant filed a motion to dismiss the indictment. The Government and counsel for the defendant have had discussions about this case, including discussing whether the Government will supersede the indictment (making the current motion moot), or dispose of the case short of trial. For these reasons, the Government respectfully requests that the Court hold the pending motion to dismiss the indictment in abeyance until the superseding indictment is filed, or until the parties have determined an appropriate resolution.

①
② Counsel shall appear for a conference on June 24 at 3:00 pm.

So ordered
Loretta A. Preska

June 11, 2008

USDG

Hon. Loretta A. Preska

June 10, 2008

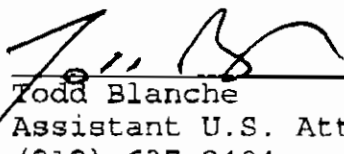
Page 3

The parties also request an adjournment of the conference scheduled for tomorrow for approximately 3 weeks, to allow the parties to discuss the above. Counsel for the defendant consents to this request.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By:


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cc: Julia Gatto, Esq.
Attorney for Defendant Calvin Swen